

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 100

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYEES DIVISION**

vs.

BNSF RAILWAY COMPANY

NMB Case No. 106

Award No. 100

Organization No. C-20-D040-6

Carrier No. 10-20-0064

STATEMENT OF CLAIM

The Organization objects to BNSF's decision to issue Claimant a Level S 30-Day Record Suspension with a one-year review period for his failure to stop within half the range of vision of a switch lined against his movement, resulting in the derailment of a hy-rail vehicle while inspecting track near MP 429 on October 1, 2019, in violation of Maintenance of Way Operating Rule 6.50—Movement of On-Track Equipment.

FINDINGS AND OPINION

The Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties' PLB Agreement and that the Board has jurisdiction over the dispute.

In reaching its decision, the Board has considered all the testimony, documentary evidence and arguments of the parties, whether specifically addressed herein or not. A careful review of the record convinces the Board that there is substantial evidence in the record to uphold the Carrier's determination regarding Claimant J. Thornburg. The Board finds no procedural violations that warrant disturbing the discipline. The discipline assessed by the Carrier was neither arbitrary, excessive nor harsh under the facts and circumstances of this record and will therefore not be disturbed by this Board.

AWARD

Claim denied.



Jeanne Charles

Chairman and Neutral Member



Carrier Member

Dated:



Labor Member

Dated: November 17, 2021